



Volunteers: What Park and Recreation Professionals Want to Know

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Cautionary note: as this article is meant to be a brief overview of working volunteers, it is highly recommended that you check with an attorney and/or an expert on volunteer program management for verification on legal issues related to working with volunteers.

In early 2006, California State Parks, Planning Division, published *The Gift of Time: Effective Volunteer Program Management for Local Park and Recreation Agencies* to help guide administrators and facility operators on recruiting, training and retaining volunteers (www.parks.ca.gov/pages). The purpose of this article is to assist the reader in understanding what motivates volunteers and offer words of advice on some of the legal issues surrounding volunteer management.

Who are today's volunteers and what motivates them? Volunteers often contribute because they have an interest in giving back to their community. Park and recreation agencies provide fantastic opportunities to meet their volunteer's needs, whether through service on boards and commissions as a tennis coach, a soccer referee or softball food concessions manager, or through other community activities such as tree plantings, litter pick-up programs, painting over graffiti, creek clean-up or working at numerous community celebrations and special events that occur annually. Just think about it for a minute...how many volunteers does your agency attract for your annual 4th of July parade, summer concert series, spring egg hunt or fall harvest festival? Dozens? Even hundreds? The *Volunteer Centers of California* reports its 41 centers annually refer over 650,000 individuals to some 40,000 community-based organizations in the state. The strength of such highly effective programs is that the support comes from the customers themselves – those who care about the success of the program, about the participants and about the environment and community in which they live.

Mary Keefer Bloom, the 2004 Outstanding Interpretive Volunteer of the National Association of Interpretation, states, *"The enthusiasm the volunteer often brings to the resource seems to rub off on the paid employees. It's like a shot of energy to everyone. So, I really think it's about finding something you're passionate about, and when that door opens, you're through it."* Volunteers can be like extended family, and as with many of our family members, some can be high maintenance and others can read our minds and somehow know what needs to be done and how to do it. The act of volunteering reinforces positive social skills, including neighborliness, kindness,

sociability, care and cooperation. The personal benefits volunteers gain include building self-confidence, meeting new people, making friends and enjoying a feeling of satisfaction or increased self-worth for making a difference.

A Few Statistics about Today's Volunteers: According to the Bureau of Labor Statistics of the U.S. Department of Labor, 65.4 million people volunteered through or for an organization at least once between September 2005 and September 2005.

(<http://www.bls.gov/news.release/volun.toc.htm>) Here are other significant findings from the report:

- 1/4 of all men and 1/3 of all women volunteer.
- Women volunteered at a higher rate than men across age groups, educational levels, and other major characteristics.
- 35 to 44 year olds were the most likely to volunteer. Teenagers and 45-54 year olds also had a relatively high volunteer rate.
- 30% of whites, 22% of blacks, 20% of Asians and 14% of Hispanics volunteered.
- Married persons volunteered at a higher rate (34%) than never-married persons (23%).
- Parents with children under age 18 were more likely to volunteer than persons without children of that age.
- 31% of employed persons volunteered, compared to 26% of unemployed persons.

Matching a Volunteers' Interest with Your Agency's Need. Volunteers, like employees, need to be recruited, trained and supervised. The work of volunteers should not result in the displacement of any paid employee. Volunteers should not be asked to take on a greater time commitment or more responsibility than they choose to handle. Assess the motivation and ability of each applicant during the placement process, determine if a volunteer has particular areas of interest or skills, and the level of involvement the volunteer might enjoy. Schools increasingly require students to complete a number of community service hours prior to graduation, and local agencies have often benefited from Eagle Scout and Boy Scout efforts, and those from Girl Scout troops, Key Clubs, sports teams, 4-H, Drama Clubs and the like.

- Short-term or periodic volunteers: Casual volunteers usually work on special events, such as senior outings, trail maintenance or creek or river clean-up events, lasting a day, a weekend or for a specific number of consecutive days. Minimal job skills, training and supervision are needed to accomplish the required tasks.
- Long-term volunteers: Volunteers who work scheduled hours on long-term projects will need duty statements, job training, on-going supervision and evaluations. Examples of long-term projects are staffing community centers and seasonal instructor or program aides.

Legal Authority, Restrictions and Requirements: The legal authority for developing an agency-wide volunteer program comes from federal and state law, while volunteer

program policy is created by your agency's governing board. Here's a quick overview of pertinent laws and regulations:

- Tort Liability: Tort or negligence law imposes a minimal level of due care on all persons in their interactions with others, including people who choose to volunteer. Negligence is defined as doing something that a person of ordinary prudence would not have done under similar circumstances, or failing to do what a person of ordinary prudence would have done under similar circumstances. As a representative of an agency, the actions of a volunteer may make the agency liable under the legal theory of *respondeat superior*. This is the doctrine that when a "master" or agency acts through a 'servant' or employee, the "master" **is responsible for the employee's actions**. The perception of increased liability for volunteers led to the passage of the Volunteer Protection Act by Congress in 1997.
- Volunteer Protection Act of 1997: To provide certain protections to volunteers, Congress enacted the Volunteer Protection Act of 1997. The act protects volunteers through the clarification and limitation of the personal liability risks assumed by the volunteers in connection with their service. However, the Volunteer Protection Act specifically provides no protection against liability for the nonprofit organization or governmental entity for which the volunteer performs services, so the entity may still be liable for the volunteer's conduct. The Act does not provide protection to the volunteer under some circumstances; for example, criminal misconduct. In addition, the Act states that state law may provide liability under particular circumstances, but the overall exposure for liability associated with volunteer activity is low. Taking some practical precautions goes a long way in reducing risk. The benefits of volunteering for the park and recreation profession and for those served generally outweigh the threat of being sued. Each park and recreation agency must evaluate for itself the risks and benefits, considering the proposed volunteer activities, degree of supervision of volunteers, and other relevant factors. To limit the legal exposure of your organization and its volunteers, follow these guidelines:
 - Develop volunteer position descriptions.
 - Use volunteer applications and carefully screen applicants.
 - Train and closely supervise your volunteers.
 - Advise your volunteers of any applicable policies to which they must adhere, including policies against unlawful discrimination.
 - Promptly investigate and respond to any complaints or concerns regarding a volunteer's action.
 - Secure insurance protection for your volunteers.
 - Fingerprint your volunteers.
- Worker's Compensation Insurance: Worker's Compensation Insurance is a state-mandated benefit provided by employers to their employees. Compensation is provided for physical injuries and other medically-related disabilities occurring within the course and scope of the volunteer position. Although not employees,

provisions of the Labor Code allow park and recreation providers to elect coverage by adopting a resolution to have volunteers covered under worker's compensation. In order for a volunteer's injury to be covered by the insurance, they must be performing duties that are part of their assigned tasks at the time of the injury.

- Use of Prevailing Wage: Adopted in the 1930s, this law was intended to prevent nonunion contractors from winning bids on public works projects. The term "public works" includes, but is not limited to, construction, alteration, installation, demolition or repair work done under contract and paid in whole or in part with public funds. The prevailing wage law became of interest to volunteer programs in California in 2001 when "public works" was interpreted to include any expenditure of tax funds for a project, including work done by a nonprofit organization using public grant funds. Subsequent cases arose questioning whether volunteer labor could be used on public works projects without the employer paying the prevailing wage for "volunteer" services.

In September 2004, legislation was signed exempting from the state's prevailing wage requirement work performed by a volunteer, a volunteer coordinator, a member of the California Conservation Corps, or a member of a certified Community Conservation Corps. However, the exemption is subject to some restrictions, Special Districts, for example, are not included in the legislation. The bottom line is that park and recreation agencies should ensure that they are in compliance with any applicable laws regarding prevailing wages when using volunteers on projects that qualify as public works.

- Use of Agency Equipment, Vehicles and Property: If a volunteer will be using equipment, vehicles or property belonging to the agency, the agency's insurance and bargaining unit (union contract) must allow such usage. Safety training must be provided, and use should always be supervised.
- Megan's Law – Information on Registered Sex Offenders: California's Megan's Law provides Internet access to detailed information on registered sex offenders. The website <http://meganslaw.ca.gov/disclaimer.htm> provides information on the whereabouts of sex offenders throughout California.
- Fingerprinting and Background Checks: Any volunteer who will be in contact with minors shall be fingerprinted and undergo a background check (Public Relations Code 5164).

In light of the above legal authority, requirements and restrictions, your agency might consider hiring a volunteer coordinator. As expected, the coordinator would recruit, screen, train, supervise and formally recognize the contributions of the volunteers. Building and managing a strong and effective program is possible, but knowing the legal in's and out's critical in being able to manage them effectively. A list of suggested tasks for the coordinator may include:

- working with the agency's staff to create a volunteer manual.
 - recruiting volunteers for various activities, events, projects and programs.
 - screening and selecting volunteers (i.e., maintaining volunteer files and applications, contacting references, etc.).
 - coordinating fingerprinting efforts and Megan's Law verification.
 - matching volunteer skills to the needs of the agency.
 - working with staff members to orient the volunteers.
 - organizing training.
 - coordinating all volunteer work.
 - motivating and acknowledging the volunteers work (award parties, etc.).
 - scheduling, coordinating and preparing for events and projects; preparing newsletters and event flyers.
 - assessing and monitoring the effectiveness of an event, project or program.
- The importance of saying thank you: Different people volunteer for different reasons. Some people volunteer for status, some to socialize and some to gain work experience in the field of parks and recreation. All want a rewarding experience and a welcoming environment. If you remember one thing from this article, it is this: remember to say "*thank you.*" This simple phrase is an important way to recognize and to reinforce your agency's appreciation and should come freely from many of your agency's staff members. Show appreciation to your volunteers by having an awards banquet or event, send a thank you card, give them an agency T-shirt, free passes to the pool or to an event; ask them for suggestions and what they would do differently or prepare a resolution from your agency to present them during a ground breaking event or a board meeting.

Internet Resources:

AmeriCorps, <http://www.americorps.org>
 California Service Corps, <http://www.csc.ca.gov>
 Director of Volunteers in Agencies (DOVIA), <http://www.energizeinc.com/prof/dovia.html>
 Do Something, <http://www.dosomething.org>
 Points of Light Foundation, <http://www.pointsoflight.org>
 Senior Corps, <http://www.seniorcorps.org>
 Start Something, <http://startsomething.target.com>
 Volunteer Today, www.volunteertoday.com
 USA Freedom Corps, <http://www.usafreedomcorps.gov>
 Volunteer Centers of California, <http://www.volunteercentersca.org>
 Volunteer.Gov/Gov, <http://www.volunteer.gov/gov>

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